

**ATTACHMENT B
to Resolution 10-3**

January 28, 2010

Staff's Suggested Modifications to the Original Proposal

**PROPOSED AMENDMENTS TO THE VERIFICATION PROCEDURE, WARRANTY
AND IN-USE COMPLIANCE REQUIREMENTS FOR IN-USE STRATEGIES TO
CONTROL EMISSIONS FROM DIESEL ENGINES**

NOTE: *[Note: Shown below are the staff's modifications to the originally proposed regulatory text set forth in Appendix A to the Staff Report: Initial Statement of Reasons, released December 10, 2009. Only those portions containing the modifications are included. This document is printed in a style to indicate changes from the originally proposed regulatory language. All originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Staff's modifications to the original proposal are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions].* The symbol "*****" means that the remainder of the text of the regulation for a specific section is not shown, but has been incorporated by reference, unchanged.

Amend sections 2706, and 2707, title 13, California Code of Regulation to read as follows.

§ 2706.

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- (l) Owner's Manual. The applicant must provide a copy of the diesel emission control strategy system owner's manual to the Executive Officer and, upon delivery of the diesel emission control strategy, to the owner, which must clearly specify at least the following information:

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- (9) The following ~~statement~~ statements must be included verbatim in the owner's manual:

YOUR RIGHT TO MAINTENANCE INFORMATION

The Air Resources Board requires that (Applicant's name) provide detailed maintenance information for the diesel emission control system upon delivery to the owner pursuant to section 2706(h)(2), Title 13, California Code of Regulations, at no additional cost to the owner. If you do not already have this information, contact (Applicant's chosen contact) at 1-800-xxx-xxxx.

THE IMPORTANCE OF ENGINE MAINTENANCE

Proper engine maintenance is critical for proper functioning of your diesel emission control strategy. Failure to document proper engine maintenance including oil consumption may be grounds for denial of a warranty claim if the system component fails due to high oil usage by the engine.

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(r) Directionality Requirements for Diesel Emission Control Strategies.

- (1) Every diesel emission control strategy must be installed as designed and specified by the manufacturer. For a diesel emission control strategy comprised of multiple exhaust aftertreatment parts, each aftertreatment part must be installed in the proper order along the exhaust stream.
- (2) Diesel emission control strategies installed between February 19, 2009, and January 1, 2010
 - (A) The diesel emission control strategy must indicate the proper direction of exhaust flow so the end user or installer can clearly see how to properly install the device.
- (3) Diesel emission control strategies installed on or after January 1, 2010
 - (A) The proper direction for exhaust to flow through the aftertreatment part of the diesel emission control strategy must be clearly indicated on the outside surface of the aftertreatment part using an arrow imprinted on or affixed to the aftertreatment part which is clearly visible and durable.
 - (B) The aftertreatment part must be constructed such that it can only be installed into the diesel emission control strategy in one unique direction relative to the exhaust flow and cannot be reversed.
 - (C) A diesel emission control strategy not meeting these requirements may be installed after January 1, 2010, provided that the diesel emission control strategy:
 - (i) Has a date of manufacture no later than December 31, 2009,
 - (ii) Complies with (r)(1) and (r)(2) above, and
 - (iii) Is installed no later than December 31, ~~July 1,~~ 2010.
 - (D) Except for an aftertreatment part that reduces PM via a physical trapping mechanism, such as a diesel particulate filter, the applicant may request that the Executive Officer waive the requirements that an aftertreatment part indicate the flow direction and have unidirectional construction. In reviewing the request, the Executive Officer may consider all relevant information including, but not limited to, the symmetry of the aftertreatment part, potential for impaired performance as a result of different orientations relative to exhaust flow, and interaction with other parts.

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- (t) Pre-Installation Compatibility Assessment. The applicant, distributor, or installer must be able to demonstrate, to the satisfaction of the Executive Officer, that a candidate engine being considered for retrofit is compatible with the verified diesel emission control strategy.

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- (4)Prior to installation of a diesel emission control strategy, the installer must ensure that the candidate engine is well maintained, in good working condition, and is appropriate for use with the diesel emission control strategy. In particular, the installer must review the engine's oil consumption records to ensure that it is not consuming lubrication oil at a rate greater than that specified by the engine manufacturer. The installer must maintain a record of all documentation used to make the determination that the candidate engine was appropriate for use with the diesel emission control strategy, including oil consumption records at time of installation and that manufacturer recommended parts replacement schedules were followed. Subsequent to installation of a diesel emission control strategy, the owner must continue to maintain oil consumption records for each retrofitted engine. All such records maintained by the installer and the owner must be made available to the Executive Officer within thirty days upon written request. After installation of the diesel emission control strategy, the owner is strongly advised to adhere to all good engine maintenance practices including keeping records of the engine's oil consumption. Failure to do so may be grounds for denial of a warranty claim.

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NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600, 43700 and 43830.8, Health and Safety Code. Reference: Sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204-43205.5 and 43830.8, Health and Safety Code; Section 71017, Public Resources Code; and Title 17 of Regulations Section 93000.

§ 2707.

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- (b)(1) Product Warranty Statement. The applicant must furnish a copy of the following statement in the owner's manual, a copy of which must be provided to each owner upon delivery. The applicant may include descriptions of circumstances that may result in a denial of warranty coverage, but these descriptions shall not limit warranty coverage in any way.

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NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600, 43700 and 43830.8, Health and Safety Code. Reference: Sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204-43205.5 and 43830.8, Health and Safety Code; Section 71017, Public Resources Code; and Title 17 of Regulations Section 93000.